

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-30070KPN

Peter K. Frei,
Plaintiff,
)
v.
)
TOWN OF HOLLAND, et al,
Defendant(s)
)

PLAINTIFF'S MOTION FOR LEAVE TO FILE A MEMORANDUM OF LAW IN EXCESS OF 20 PAGES IN SUPPORT TO

PLAINTIFF'S MOTION TO AMEND HIS MOTION FOR DEFAULT JUDGMENT BY THE COURT OR, IN THE ALTERNATIVE,

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGEMENT

Plaintiff moves in the above captioned matter for permission to be allowed to file a memorandum of law in excess of 20 pages in support of PLAINTIFF'S MOTION TO AMEND HIS MOTION FOR DEFAULT JUDGMENT BY THE COURT OR, IN THE ALTERNATIVE, PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGEMENT.

Defendants' are in default and continue practicing a dilatory tactic to avoid having to "bite the bullet" and answer plaintiff's amended complaint.

As defendants' counsel does not cease her dilatory tactic and finally commit her self to an answer, Plaintiff intends to submit his MOTION FOR LEAVE TO AMEND HIS MOTION FOR DEFAULT JUDGMENT BY THE COURT under Fed.R.Civ.P., Rule 7(b)(1) and 55(b)(2) OR, IN THE ALTERNATIVE, said motion as PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGEMENT under Fed.R.Civ.P., Rule 56(a), and will provide prove of the facts this Court needs to enter the default and dispose of the

case on its merits, or in the alternative, enter partial summary judgement.

As plaintiff had not the advantage to rely on defendants' answer to plaintiff's amended complaint or disclosure by the defendants' under Fed.R.Civ.P. 26, and furthermore could not take the deposition of any defendants or witnesses yet, plaintiff will not be able to prove all claims.

Based on his 1st and 2nd ANR plan, official written record, the minutes to the planning board meetings, letters, transcript's of depositions, Judgment with order civil action 96-71 Superior Court Hampden County, affidavits and other documents, plaintiff will prove the allegations asserted in the following COUNTS of his amended complain:

COUNT XLVI, (violation of equal protection of the laws);

COUNT XLVII, (violation of substantive due process);

COUNT XLVIII, (violation of procedural due process);

COUNT XLIX, (interfering with contract);

COUNT LII, (violation of equal protection of the laws);

COUNT LIII, (violation of substantive due process);

COUNT LIV, (violation of procedural due process);

COUNT LV, (interfering with contract);

COUNT LVIII, (violation of equal protection of the laws);

COUNT LX, (intentional infliction of mental and emotional distress);

COUNT LXI, (violation of Massachusetts civil rights act).

To accomplish this task in a well structured appropriate way, plaintiff respectfully moves for leave to file his memorandum in the

above captioned matter in excess of the 20 page limit.

July 27, 2004

Peter K. Frei, plaintiff pro se

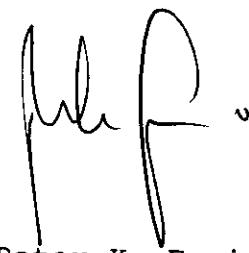


P.O. Box 500
Brimfield, MA 01010-0500
phone: 413 245 4660
cell: 413 626 3519

CERTIFICATE OF SERVICE:

On this 27th day of July 2004, I certify that I mailed a true copy of the above document, postage prepaid to:

Nancy Frankel Pelletier, Esq., of
Robinson Donovan, P.C.
1500 Main Street, Suite 1600
Springfield, MA 01115



Peter K. Frei

(<http://www.01521.com/fed/fmoexc06.htm>)